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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,197

03/23/2004

Atsushi Iwasaki

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2003

5514

7590

06/08/2006

FITZPATRICK CELLA HARPER & SCINTO  
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EXAMINER

WALSH, RYAN D

ART UNIT

PAPER NUMBER

2852

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/806,197	Applicant(s) IWASAKI ET AL.	
	Examiner Ryan D. Walsh	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-12 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/13/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of Species I and Species II in the reply filed on April 17, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Inventorship***

In view of the papers filed April 17, 2006, the inventorship in this nonprovisional application has been changed by the deletion of Akira Hayakawa, Masaru Tsukada and Taro Ishifune.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kataoka et al (Japan 2002-169413), hereinafter referred to as Kataoka.

Regarding claim 1, Kataoka teaches, "An image generating apparatus for forming an image on a recording medium, said image generating apparatus comprising: an image generating section (Drawing 1, ref. # 3 & 1) for forming a toner image on a recording medium; a fusing section (6) including a heating component (10) for heating the recording medium (P) to fuse the toner image onto the recording medium, and a

pressing component (20) for pressing and rotating the recording medium in conjunction with said heating component; an edge temperature detecting section (Drawing 4, ref. # 15) for detecting temperature of said heating component at an edge of a conveyance region of the recording medium in said heating component; and a control section (30) for controlling feeding recording mediums in response to compared results of the temperature detected by said edge temperature detecting section with a specified threshold temperature, wherein said control section sets the specified threshold temperature based on the temperature detected by said edge temperature detecting section ([0060]-[0065])."

Regarding claim 2, Kataoka teaches, "further comprising: a center temperature detecting section (Fig. 4, ref. # 14) for detecting temperature of said heating component near a center of the conveyance region of the recording mediums in said heating component; and a fusing temperature control section ([0050]-[0055]) for controlling heating by said heating component such that the temperature detected by said center temperature detecting section matches a specified fusing temperature."

Regarding claim 3, Kataoka teaches, "wherein said control section determines, before forming the toner image successively on a plurality of recording mediums, the specified threshold temperature in response to the temperature detected by said center temperature detecting section or said edge temperature detecting section ([0060]-[0065])."

Regarding claim 4, Kataoka teaches, "wherein said control section sets a first threshold temperature when the temperature detected by said edge temperature detecting section is a first temperature, and sets a second threshold temperature higher than the first threshold temperature when the temperature detected by said edge temperature detecting section is a second temperature lower than the first temperature (Abstract, Solution)."

Regarding claim 5, Kataoka teaches, "wherein said heating component (10) comprises a cylindrical film (13) rotating slidingly on said pressing component, and a heater component (11) for heating the recording medium via the cylindrical film, and wherein said edge temperature detecting section (15) detects the temperature of said heater component."

***Allowable Subject Matter***

Claims 6-12 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 6, the prior art does not teach or suggest the claimed, "control section for controlling feed intervals of a plurality of recording mediums, on which the toner image is fused in said fusing section, such that the feed intervals are extended in response to a fact that the temperature detected by said temperature detecting section exceeds a specified threshold temperature, **wherein said control section sets the specified threshold temperature in response to the temperature detected by said**

**temperature detecting section when said heating component is switched from a heating state to a non-heating state."**

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Walsh whose telephone number is 571-272-2726. The examiner can normally be reached on M-F 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ryan D. Walsh  
RDW



DAVID M. GRAY  
PRIMARY EXAMINER